

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jun 01, 2021

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,
Plaintiff,

-vs-

THOMAS CURTIS COLLUM, SR.,
Defendant.

No. 2:08-CR-0137-WFN-41

ORDER DENYING MOTION FOR
REDUCED SENTENCE

Pending before the Court is Defendant's Motion for Compassionate Release. ECF No. 2983. Defendant has not exhausted his claim with the Bureau of Prisons [BOP], but the Government has no objection to proceeding to the merits as Defendant sought release while in Spokane County Jail awaiting transport to a BOP facility, so was unable to exhaust his claim. See United States' Response to Motion for Compassionate Release, ECF No. 2984.

Defendant must demonstrate that "(i) extraordinary and compelling reasons warrant such a reduction; or (ii) the defendant is at least 70 years of age, has served at least 30 years in prison, pursuant to a sentence imposed under section 3559(c) . . . and a determination has been made by the Director of the Bureau of Prisons that the defendant is not a danger to the safety of any other person or the community, as provided under section 3142(g)." 18 U.S.C. § 3582(c)(1)(A). As Defendant is not over 70 years old, he must demonstrate that extraordinary and compelling reasons warrant reduction.

Defendant has not demonstrated extraordinary or compelling reasons warranting a sentence reduction. In his Motion, Defendant cites reasons supporting compassionate release known to the Court at the time of sentencing. The Court was aware of Defendant's ongoing health issues at the time revocation. Defendant also struggled with drug use prior to revocation which exacerbated his health issues. The Court imposed a 6-month sentence

1 after considering the 18 U.S.C. § 3553(a) factors as well as the conditions in the BOP
2 caused by COVID-19. The Court has reviewed the file and Motion and is fully informed.
3 Accordingly,

4 **IT IS ORDERED** that Defendant's Motion for Compassionate, filed April 30, 2021,
5 **ECF No. 2983**, is **DENIED**.

6 The District Court Executive is directed to file this Order and provide copies to
7 counsel.

8 **DATED** this 1st day of June, 2021.

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WM. FREMMING NIELSEN
11 SENIOR UNITED STATES DISTRICT JUDGE

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